

REFERENCE TITLE: **smuggling; definitions**

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

# **SB 1282**

Introduced by  
Senator Paton

AN ACT

AMENDING SECTION 13-2319, ARIZONA REVISED STATUTES; RELATING TO SMUGGLING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 13-2319, Arizona Revised Statutes, is amended to  
3 read:

4              13-2319. Smuggling; classification; application; definitions

5       A. It is unlawful for a person to intentionally engage in the  
6 smuggling of human beings for profit or commercial purpose.

7       B. A violation of this section is a class 4 felony.

8       C. Notwithstanding subsection B, a violation of this section:

9              1. Is a class 2 felony if the human being **WHO IS** smuggled is under  
10 eighteen years of age and **IS** not accompanied by a family member over ~~the age~~  
11 ~~of~~ eighteen **YEARS OF AGE**.

12              2. **IS A CLASS 3 FELONY IF THE OFFENSE INVOLVES THE USE OR THREATENED**  
13 **USE OF DEADLY PHYSICAL FORCE AND THE PERSON IS NOT ELIGIBLE FOR SUSPENSION OF**  
14 **SENTENCE, PROBATION, PARDON OR RELEASE FROM CONFINEMENT ON ANY OTHER BASIS**  
15 **EXCEPT PURSUANT TO SECTION 31-233, SUBSECTION A OR B UNTIL THE SENTENCE**  
16 **IMPOSED BY THE COURT IS SERVED, THE PERSON IS ELIGIBLE FOR RELEASE PURSUANT**  
17 **TO SECTION 41-1604.07 OR THE SENTENCE IS COMMUTED.**

18              D. Chapter 10 of this title does not apply to a violation of this  
19 **subsection SECTION.**

20              D. E. For the purposes of this section:

21              1. "Family member" means the person's parent, grandparent, sibling or  
22 any other person **WHO IS** related to the person by consanguinity or affinity to  
23 the second degree.

24              2. "**PROCUREMENT OF TRANSPORTATION**" MEANS ANY PARTICIPATION IN OR  
25 **FACILITATION OF TRANSPORTATION AND INCLUDES:**

26                  (a) PROVIDING SERVICES THAT FACILITATE TRANSPORTATION INCLUDING TRAVEL  
27 ARRANGEMENT SERVICES, MONEY TRANSMISSION SERVICES OR COMMUNICATION SERVICES.

28                  (b) PROVIDING PROPERTY THAT FACILITATES TRANSPORTATION, INCLUDING A  
29 WEAPON, A VEHICLE OR OTHER MEANS OF TRANSPORTATION OR FALSE IDENTIFICATION,  
30 OR SELLING, LEASING, RENTING OR OTHERWISE MAKING AVAILABLE A DROP HOUSE AS  
31 DEFINED IN SECTION 13-2322.

32              **2. 3. "Smuggling of human beings"** means the transportation,  
33 procurement of transportation or use of property or real property by a person  
34 or an entity that knows or has reason to know that the person or persons  
35 transported or to be transported are not United States citizens, permanent  
36 resident aliens or persons otherwise lawfully in this state **OR ARE ALIENS WHO**  
37 **HAVE ATTEMPTED TO ENTER, ENTERED OR REMAINED IN THE UNITED STATES IN**  
38 **VIOLATION OF LAW.**